

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND ZONING VARIANCE		
W/S Westmoreland Ave., 180 ft. N	*	ZONING COMMISSIONER
of c/l Highpoint Road		
7906 & 7908 Westmoreland Avenue	*	OF BALTIMORE COUNTY
9th Election District		
6th Councilmanic District	*	Case No. 97-150-SPHA
Booth Properties, Petitioner		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and a Petition for Variance for the properties known as the Booth Properties located in the Parkville community of Baltimore County. The Petitions are filed by Thomas E. Booth, property owner. Special Hearing relief is requested to approve three panhandle driveways, 7-1/2 ft. wide each, in lieu of the required 12 ft. each. The three panhandle driveways will serve those lots known as 7906, 7908 and 7908A Westmoreland Avenue. Variance relief is requested for two of the aforementioned lots. Specifically, a variance is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a front yard setback of 17 ft. in lieu of the required 25 ft. and a rear yard setback of 22-1/2 ft. in lieu of the required 30 ft., for 7906 Westmoreland Avenue. Variance relief is also requested for the property known as 7908 Westmoreland Avenue, to permit a rear yard setback of 22-1/2 ft. in lieu of the required 30 ft. All of the requested relief and subject property are more particularly shown on the site plan, received into evidence as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this was Thomas E. Booth, property owner. Also present was Paul Lee, the professional engineer who prepared the site plan. Interested neighbors who appeared at the hearing included Henry Rohnacher, Richard C. Sobus, Milton Jaroszemski, Victor Panicho and James D. Shock, Jr.

3/19/97
 Mr. Booth
 Date

MICROFILMED

Testimony and evidence presented was that the property is a long, yet narrow, lot approximately 1.04 acres in area, zoned D.R.5.5. The property is approximately 87 ft. in width and ranges to a depth of 478 to 605 ft. The rear of the property abuts the right of way for Perring Parkway. Vehicular access is by way of Westmoreland Avenue.

Special Hearing relief is requested to approve the proposed means of vehicular access. The front portion of the property is wide enough only to accommodate a 22-1/2 ft. panhandle driveway. That driveway is located between two parcels, one owned by Milton Jaroszewski and the other owned by John Willett. The property opens up in width beyond Mr. Willett's rear property line and the Petitioner proposes subdividing that rear section so as to create three single family lots. As viewed from Westmoreland Avenue, the three single family lots will be located behind Mr. Willett's property, and vehicular access to each lot will be by way of the panhandle drive.

Special hearing relief is requested to approve a 7-1/2 ft. wide driveway for each panhandle lot. Cumulatively, the driveway will be 22-1/2 ft. wide. As noted above, it will serve the potential residents of the three single family lots.

Testimony and evidence offered by the Petitioner was that the proposed panhandle driveway width is sufficient to serve these lots and appropriate for this neighborhood. A Zoning Plans Advisory Committee comment was offered on this matter from Robert W. Bowling, Chief, Development Plans Review Division, representing the Department of Public Works (DPW). Within his comment, Mr. Bowling noted that the Department of Public Works normally requires a panhandle width of 12 ft. for each lot. Thus, the requirement in this case would be for a 36 ft. width total. Mr. Bowling also indicates in his note that the 12 ft. standard comes from the

required spacing of sewer and water connections. However, as he observed, in this case, the extension of the public sewer will be through the lots themselves. Mr. Bowling concludes that "Since the sewer connections will not be placed on the panhandle strips, there is no need for the 12 ft. strip." He further notes that DPW, therefore, recommends approval of the waiver to reduce the widths for each panhandle strip to 7-1/2 ft. for a total of 22-1/2 ft. in lieu of the required 36 ft.

In view of Mr. Bowling's uncontradicted report, special hearing relief will be granted. In my judgment, the 22-1/2 ft. cumulative width is more than sufficient to accommodate vehicular access to the three lots. Since the required width is also not necessary for public utilities, per Mr. Bowling's comment, I am satisfied that relief should be granted.

The Petition for Variance relates to two of the proposed three lots; namely, 7906 Westmoreland Avenue (lot No. 1) and 7908 (lot No. 2). As the lot numbers suggest, these are the first and second lots one comes to while traveling towards the interior of the property along the panhandle drive.

In support of the request, Mr. Lee testified that the variances were necessitated due to existing site conditions. Specifically, he opined that the property carried with it a unique characteristic, namely, its significant depth and narrow width. He noted that the variances were necessary so that the houses could be oriented in a manner acceptable to the Office of Planning. Mr. Lee also noted that the development of the site was under density. Specifically, the zoning of the property (D.R.5.5) would permit 5.7 lots, however, only three were proposed. Mr. Lee also opined that a denial of the variance request would cause practical difficulty upon the Petitioner, in that the site could not be developed if strict adherence to the setback regulations were required. Mr.

Lee also offered testimony regarding the proposed Forest Conservation Easement Area to the rear, which contains approximately .302 acres. In this regard, a copy of a letter from George D. Perdikakis, Director, of the Department of Environmental Protection and Resource Management (DEPRM) proposed certain restrictions and limitations to any development based upon the environmental constraints upon the property. A copy of the letter, countersigned by Mr. Booth as agreeing to these restrictions, was submitted into evidence.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. In my judgment the Petitioner has satisfied the requirements of Section 307 of the BCZR; thus, the relief requested shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of March 1997 that, pursuant to the Petition for Special Hearing, approval for three panhandle driveways 7-1/2 ft. wide each, in lieu of the required 12 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B02.3.C.1 of the BCZR to permit a front yard setback of 17 ft. in lieu of the required 25 ft. and a rear yard setback of 22-1/2 ft. in lieu of the required 30 ft., for 7906 Westmoreland Avenue, be and is hereby GRANTED; and,

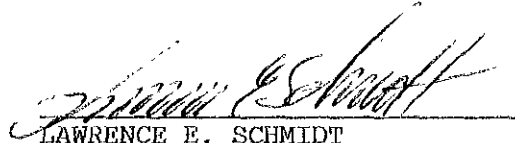
IT IS FURTHER ORDERED that a variance for the property known as 7908 Westmoreland Avenue to permit a rear yard setback of 22-1/2 ft. in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at his own

risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall comply with the planning comment from Ervin McDaniel of the Department of Planning, dated March 5, 1996.

3. The Petitioner shall comply with the contents of the letter from George G. Perdikakis, Director of DEPRM, dated August 28, 1996.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

March 19/97
Mr. Joseph



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

March 18, 1997

Mr. Paul Lee
Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

Mr. Thomas E. Booth
623 Edmondson Avenue
Catonsville, Maryland 21228

RE: Petitions for Special Hearing and Variance
Property: 7906, 7908 and 7908A Westmoreland Avenue
Case No. 97-150-SPHA
Thomas E. Booth, Petitioner

Dear Messrs Lee and Both:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.



Petition for Special Hearing

#152

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

3 panhandle lots 7.5' wide in lieu of the required 12' width for #7906, 7908 & 7908A Westmoreland Avenue. Minor subdivision plan #96-019M has been approved with 7.5' panhandles approved by Development Management on 5/3/96.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

~~Contract Purchaser/Leasee:~~ Engineer:

Paul Lee Engineering, Inc.

(Type or Print Name)

Signature

304 W. Pennsylvania Avenue

Address

Towson, Maryland 21204

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s): Booth Properties
Thomas E. Booth

(Type or Print Name)

Signature

Thomas E. Booth

(Type or Print Name)

Signature

623 Edmondson Avenue 788-5390

Address Phone No.

Catonsville, Maryland 21228

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Paul Lee Engineering, Inc.

Name

304 W. Pennsylvania Ave. 21204 - 821-5941

Address Phone No.



OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING -1/2HR. (+1HR)

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL

OTHER

REVIEWED BY:

DATE 10/1/96

#152



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #7906 & 7908 Westmoreland Avenue

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 of the BCZR to

permit a front yard setback of 17' for #7906 (Lot 1) in lieu of the required 25' and a rear yard setback of 22.5' for #7906 (Lot 1) and #7908 (Lot 2) in lieu of the required 30'. (A variance of 8' and 7.5')

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Orientation of fronts of proposed houses on Lots 1, 2 & 3 has been turned 90° so that the proposed houses do not face Westmoreland Avenue. Since the proposed house fronts are now located in the side yard, this has created the need for the front & rear yard variances. Orientation was recommended by Planning Department prior to their approval of the plan.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Consultant/Purchaser/Lessee Engineer:

Paul Lee Engineering, Inc.

(Type or Print Name)

Paul Lee

Signature

304 W. Pennsylvania Avenue

Address

Towson, Maryland 21204

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Booth Properties

Thomas E. Booth

(Type or Print Name)

Thomas E. Booth

Signature

Thomas E. Booth

(Type or Print Name)

Thomas E. Booth

Signature

623 Edmondson Avenue

Address

788-5390

Phone No

Catonsville, Maryland 21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Paul Lee Engineering, Inc.

Name

304 W. Pennsylvania Avenue

Address

821-5941

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL OTHER

REVIEWED BY: *mjk*

DATE

10/1/99



Printed with Soybean Ink
on Recycled Paper



Paul Lee, P.E.

152

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5941

DESCRIPTION

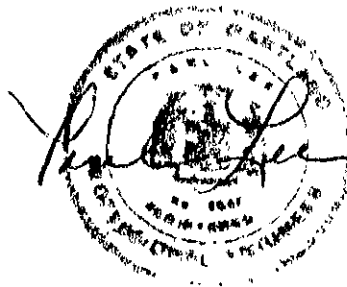
#7906, 7908 & 7908A Westmoreland Avenue

Willett Property - Minor Subdivision Plan 96-019M

Election District 9C6 - Baltimore County, Maryland

Beginning for the same at a point on the west side of Westmoreland Avenue, said point also being located Northerly - 180 feet \pm from the center of Highpoint Road; thence running with and binding on the west side of Westmoreland Avenue (1) by a curve to the right with $R= 280.00$ feet for a distance of 3.03 feet and (2) $N 09^{\circ}44'00'' E - 19.47$ feet, thence leaving said west side of Westmoreland Avenue (3) $N 80^{\circ}16'00'' W - 605$ feet to the east side of Perring Parkway, thence binding on the east side of Perring Parkway by a curve to the left (4) $R= 1834.86$ feet for a distance of 90.53 feet, thence leaving said east side of Perring Parkway, (5) $S 80^{\circ}16'00'' E - 478.00$ feet, thence (6) $N 09^{\circ}44'00'' E - 65.00$ feet and (7) $S 80^{\circ}16'00'' E - 149.98$ feet to the point of beginning.

Containing 1.0 acre of land more or less.



J.O. 95-032

8-2-96

MICROFILMED

Engineers — Surveyors — Site Planners

No. 026558

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 10-1-96 ACCOUNT 01-615

Item: 152

By: mfk

AMOUNT \$ 150.00

RECEIVED, Booth, Thomas - 7906 + 7908 Westminster Ave
FROM: 010 - 2 lots \$ 100.00
040 - sp. - \$ 50.00
\$ 150.00

FOR:

MICROFILMED

\$150.00

0140040147MICRAC

SA 2010-000410-00-00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARY ID
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

DATE 5-2-21 ACCOUNT 10000000

AMOUNT \$ 400.00

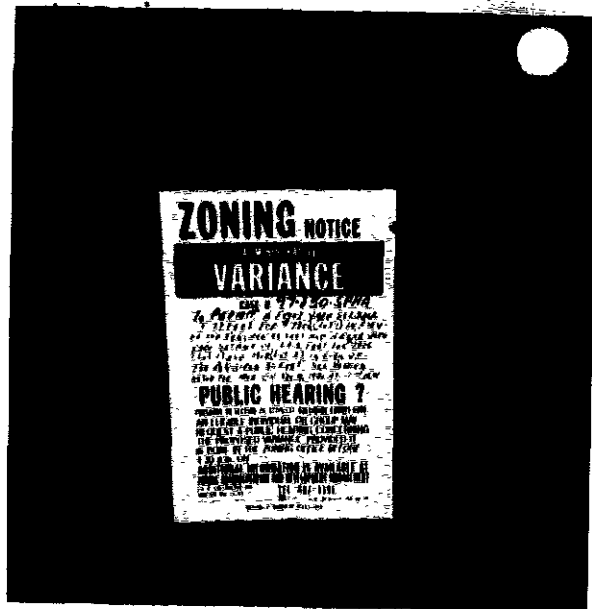
RECEIVED FROM: 10000000

FOR: 10000000

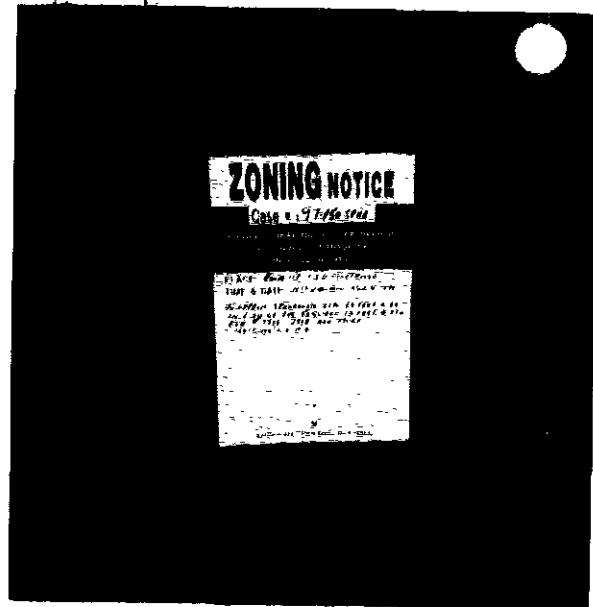
10000000

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION



97-150-SPHA



97-150-SPHA

CERTIFICATE OF POSTING

RE: Case No.: 97-150-SPHA

Petitioner/Developer: _____

Thomas Booth

Date of Hearing/Closing: Nov. 4, 1996

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 7906-7908 & 7908A

Westmoreland Ave, Baltimore, Maryland 21234

The sign(s) were posted on OCT. 18, 1996
(Month, Day, Year)

Sincerely,

Thomas P. Ogle 10/18/96
(Signature of Sign Poster and Date)

Thomas P. Ogle SR.
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221
(City, State, Zip Code)

(410) 687-8405
(Telephone Number)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 152 Petitioner: THOMAS BOOTH

Location: 7906, 7908 WESTMORELAND AVE.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Tom Booth

ADDRESS: 623 EDMONDSON AVE.

CATONSVILLE, MD 4228

PHONE NUMBER: 788-5390





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 11, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-150-SPHA (Item 152)
7906 and 7908 Westmoreland Avenue
W/S Westmoreland Avenue, 180' N of c/l Highpoint Road
9th Election District - 6th Councilmanic
Legal Owner(s): Booth Properties

Special Hearing to approve 3 panhandle lots 7.5 feet wide in lieu of the required 12 feet width for #7906, 7908, and 7908A Westmoreland Avenue.

Variance to permit a front yard setback of 17 feet for #7906 (Lot 1) in lieu of the required 25 feet and a rear yard setback of 22.5 feet for #7906 (Lot 1) and #7908 (Lot 2) in lieu of the required 30 feet.

HEARING: MONDAY, NOVEMBER 4, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Thomas E. Booth
Paul Lee Engineering, Inc.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN MUST POSTED ON THE PROPERTY BY OCTOBER 20, 1996.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: _____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: *1 B023.01 at B02R to permit a front setback*
of 17' for # 7906 (Lot 1) in lieu of 25' and a rear setback
of 22.5' for # 7906 (Lot 1) and # 7908 (Lot 2) in lieu of 30'
3 parhawk lots 7.5' wide in lieu of the required 12' width

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 14, 1996

Mr. Thomas E. Booth
Booth Properties
623 Edmondson Avenue
Catonsville, MD 21228

RE: Item No.: 152
Case No.: 97-150-SPHA
Petitioner: Booth Properties

Dear Mr. Booth:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 1, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: October 22, 1996

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Booth Property

INFORMATION:

Item Number: 152

Petitioner: Booth Properties

Property Size:

Zoning: DR 5.5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The comment of March 6, 1996 reflects the position of this office.

Prepared by:

Division Chief:

AFK/JL:rdn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: October 25, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for October 21, 1996
Item No. 152

The Development Plans Review Division has reviewed the subject zoning item. See attached waiver letter from Department of Public Works supporting the reduction in width of each panhandle strip to 7.5 feet for a total of 22.5 feet for three lots.

RWB:HJO:jrb

cc: File

ZONE33C

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/10/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 10, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 149, 150, 151, 152, 153, 154,
155, 156, 158, 159 and 160.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: OCT 15

DATE: 10/11/96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

150

151

152

156

158

160

RBS:sp

BRUCE2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 152 (M.J.K.)

10.24.96

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Burns
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Baltimore, Maryland 21203

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Darryl D. Putty
Department of Permits & Management

DATE: March 6, 1996


Ervin McDaniel, Chief
Development Review Section
FROM: Strategic Planning Division, OP

AMENDED

SUBJECT: John Willett Property (96019)

The Office of Planning and Zoning has reviewed the above referenced project and offers the following comment(s):

1. After additional review by the staff of the Office of Planning it is recommended that three lots could be approved, however, certain design modifications need to be incorporated into the subdivision. The three lots that are proposed are smaller in size compared to the surrounding properties, therefore, the property lines should be adjusted to equalize the size of each of the lots.
2. The three lot proposal includes a front to rear building orientation which conflicts with county policy as stated in the CMDP. Although from a zoning standpoint the front to rear orientation is being provided in order to meet building setbacks, from a design perspective this arrangement is clearly undesirable. Although the building fronts must technically remain in their designated locations, building elevations should be provided which show front facades' along the panhandle drives.
3. Screening must be provided on the developers property which would buffer the homes within the development.


Ervin McDaniel

PK/FJM:rdn

PAUL LEE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Darryl D. Putty
Department of Permits & Management

DATE: March 6, 1996

Ervin McDaniel, Chief
Development Review Section
FROM: Strategic Planning Division, OP

SUBJECT: John Willett Property (96019)

AMENDED

The Office of Planning and Zoning has reviewed the above referenced project and offers the following comment(s):

1. After additional review by the staff of the Office of Planning it is recommended that three lots could be approved, however, certain design modifications need to be incorporated into the subdivision. The three lots that are proposed are smaller in size compared to the surrounding properties, therefore, the property lines should be adjusted to equalize the size of each of the lots. *LOT 1 = 7650 SF (MIN 6000 SF), LOT 3 INCL. FOREST CONSERVATION EASE. LOT 2 = 9,000 SF ± 27,616 SF ±*
2. The three lot proposal includes a front to rear building orientation which conflicts with county policy as stated in the CMDP. Although from a zoning standpoint the front to rear orientation is being provided in order to meet building setbacks, from a design perspective this arrangement is clearly undesirable. Although the building fronts must technically remain in their designated locations, building elevations should be provided which show front facades' along the panhandle drives. *TROR Driv will FACE NORTH. A SIDE DOOR WILL BE ADDED TO WALL FACING WESTMORELAND AVE FOR NO. PURPOSE*
3. Screening must be provided on the developers property which would buffer the homes within the development. *NOTE 46*

Ervin McDaniel
Ervin McDaniel

PK/FJM:rdn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

*Herb's ✓
for Future
2pc & Minor
Sub*

TO: Donald Rascoe, Chief
Bureau of Development Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: John W. Willett Property (Waiver)
DRC #04296D

Date: May 3, 1996

Thomas Hamer, Deputy Director of Public Works, and I have reviewed the waiver request for reduction of panhandle width from 12 feet per strip to 7.5 feet per strip. The 12 feet requirement comes from the spacing of the sewer and water connections. The engineer has shown an extension of the public sewer through the property to serve the three new lots. Since the sewer connections will not be placed on the panhandle strips, there is no need for a 12-foot strip.

The Department of Public Works recommends approval of the waiver to reduce the width of each panhandle strip to 7.5 feet for a total of 22.5 feet for three lots. The rest of the panhandle requirements must be met.

If there are any questions, please call me.

RWB:jrb

cc: File

RWB98

105-111-111



Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
(410) 887-3733
Fax: (410) 887-4804

August 28, 1996

Mr. John Rohde
Human and Rohde, Inc.
110 E. Pennsylvania Avenue
Towson, MD 21286

Re: Willett Property
Forest Buffer Variance Request

Dear Mr. Rohde:

A request for a variance to the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains for the above-referenced minor subdivision was received and reviewed by this Department. This request proposes to fill approximately 750 square feet of existing non-tidal wetlands for the purposes of creating a building lot.

We have reviewed your request, and acknowledge that a practical difficulty exists due to the location of the non-tidal wetlands on the property. For this reason and because impacts are to a low quality, man-made non-tidal wetland which only function is to convey overland runoff, we will grant the requested variance under Section 14-334 (a) (1) of the Regulations with the following condition:

Relocate the swale so as not to cause any adverse effect to any adjacent property owner.

A note stating that the Department of Environmental Protection and Resource Management has granted a Forest Buffer Variance should appear on all future plans submitted to this office for this project.

It is the intent of this Department to approve this variance subject to the conditions above. Any changes in site layout may require submittal of revised plans and an amended variance request.



Please have the property owner sign the statement below and return a signed copy to this office within 21 calendar days. Failure to return a signed copy of this letter may render this variance approval null and void, or may result in delays in processing of plans for this project.

If you have any questions regarding this matter, please contact Mr. Keith Kelley at 887-3980.

Sincerely,

George G. Perdikakis / G.G.P.

George G. Perdikakis
Director

GGP/jbm

c: Mr. Thomas Booth, Booth Properties, Inc.
Mr. Paul Lee, Paul Lee Engineering, Inc.

I agree to the above conditions to bring my property into conformance with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Thomas E Booth *9/5/96*

Property Owner

Date

Willett

MICROFILMED

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
7906 and 7908 Westmoreland Ave., W/S West-	*	ZONING COMMISSIONER
moreland Ave., 180' N of c/l Highpoint Rd		
9th Election District, 6th Councilmanic	*	OF BALTIMORE COUNTY
Booth Properties	*	CASE NO. 97-150-SPHA
Petitioner		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of November, 1996, a copy of the foregoing Entry of Appearance was mailed to Paul Lee Engineering, Inc., 304 W. Pennsylvania Avenue, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED



MARYLAND DEPARTMENT OF THE ENVIRONMENT
2500 Broening Highway • Baltimore, Maryland 21224
(410) 631-3000

Parris N. Glendening
Governor

Maryland Department of the Environment
Water Management Administration
Nontidal Wetlands and Waterways Division
Towers State Office Building B-3
580 Taylor Avenue • Annapolis, MD 21401
ANNAPOLIS ANNEX • (410) 974-3841

Jane T. Nishida
Secretary

June 26, 1996

PAUL LEE ENGINEERING, INC.
ATTN: MR. PAUL LEE
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

Application Tracking Number: 199662813
N.T.W.W. Division Number: 96-NT-0299
Project: John Willett Property - Lot
Fill; BALTIMORE COUNTY
Contact Person: Bob Cooper (410)974-3841

Dear Mr. Lee:

The Nontidal Wetlands and Waterways Division of the Water Management Administration (WMA) has received all information needed to make a final decision on your application for an activity in a floodplain, waterway, nontidal wetland or buffer. We are pleased to inform you that a favorable decision has been made to grant a Nontidal Wetland and Waterways Permit and a Water Quality Certification (WQC).

Please be aware that prior to issuance of the permit and WQC the Division will need:

- 1) The applicant's payment to the compensation fund, to satisfy the mitigation requirement, and waiver letter (use attached form). The amount of payment for the proposed loss of 750 square feet of forested nontidal wetlands, in accordance with the Compensation Fund Fee Structure, is \$1,942.14 (make check payable to M.D.E. - Nontidal Wetlands Compensation Fund).
- 2) Two copies of the final signed site plans with the

RECEIVED

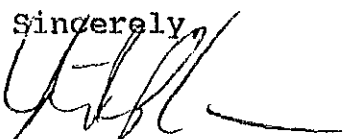
conditions listed below included on the engineering design plans under the heading of "Conditions and Management Practices for Working in Nontidal Wetlands and Buffers". The plans must include a vicinity map, show the approved wetland and buffer limits, and show the limits of disturbance for all site activities. The plans must also show proposed sediment and erosion control measures, stormwater management plans and specify the sequence of construction. Please note in sequence of construction when these conditions are to be followed and mark the revision date for adding these conditions on the plans:

- a) Remove excavated material, construction material or debris to an upland disposal area outside of any waterway, floodplain, nontidal wetland, or buffer;
- b) If backfill is obtained, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance.
- c) No removal of vegetation, grading, filling, draining or other alteration of the nontidal wetlands or buffer outside the limits of disturbance shall occur without written authorization from the Water Management Administration.

Once this is provided to the Division, and it is determined to be sufficient, a Permit will be promptly issued that authorizes you to conduct the activity provided that the conditions noted on the plans and additional conditions and best management practices, which will be part of the Permit, are met.

If you have any questions regarding this letter, please feel free to call me at the above listed number.

Sincerely,



Robert P. Cooper
Project Manager
Nontidal Wetlands and Waterways Division

cc: U.S. Army Corps of Engineers (Paul Sneeringer)
Human & Rohde, Inc. (John Rohde)

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, Md. 21204

410-887-3335

June 1, 2001

Little & Associates, Inc.
Suite 101
1045 Taylor Avenue
Baltimore, MD 21286

RE: - Willet, John Property
PDM Number IX-688
DRC Number 0521011 Dist. 9C6

Dear Sir or Madam:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on May 21, 2001, and made the following recommendations:

The DRC has determined that your project meets the requirements of refinement to the minor subdivision plan, under Section 26-211.

Little & Associates, Inc.
Willet, John Property
June 1, 2001
Page 2

After resolution of any outstanding issues, please submit a copy of this letter, and ten copies of the plan to this office, Room 123, for signature.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 1st day of June 2001, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,



Arnold Jablon
Director

AJ:DTR:dak

c: Kristin Weis
File

Little & Associates, Inc.
Willet, John Property
June 1, 2001
Page 2

After resolution of any outstanding issues, please submit a copy of this letter, and ten copies of the plan to this office, Room 123, for signature.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 1st day of June 2001, ordered and decided that the recommendations of the DRC are hereby adopted.

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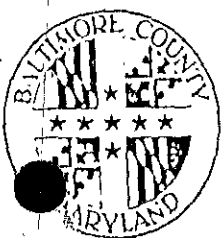
Sincerely,



Arnold Jablon
Director

AJ:DTR:dak

c: Kristin Weis
File



DEVELOPMENT REVIEW COMMITTEE

REQUEST FORM

052101

3 Copies of the Plan as Required/ Folded 8 1/2 x 11

FEE: \$ 40.00

(payable to Baltimore County and is non-refundable)

Tax No(s): 09-13-008032

Applicant & Engineer Name: LITTLE & ASSOCIATES INC

Filing Date: 5/2/01

Address: 1045 TAYLOR AVE., SUITE 101

Phone #: (410) 296-1636

BALTIMORE MD 21286

Acreage: 1.00

Project Name: JOHN W. WILLETT PROPERTY

PDM File #: IX-688

Project Address: 7906 & 7908 WESTMORELAND AVE Zip Code 21234

ADC Map #: 28 A-10

Councilmanic District: 6

Election District: 9

Building Permit #: _____

Is this an Antenna?

☐ Yes

☒ No

If "Yes" check one of the following:

☐ Cellular (CAC)

☐ Water Tower (WTC)

☐ MonoPole (CFC)

Request:

☒ Refinement

☐ Limited Exemption

☐ Waiver

(Attach letter if necessary)

WE HEREBY REQUEST A REFINEMENT TO THE APPROVED MINOR SUBDIVISION PLAN, FOR THE JOHN W. WILLETT PROPERTY AS SHOWN ON THE ENCLOSED EXHIBIT. THE REFINEMENT ENTAILS A LOT LINE ADJUSTMENT BETWEEN LOTS 1 & 2, AND REVISE HOUSE ORIENTATIONS AND SETBACKS PER SPECIAL HEARING (97750-SPHA) AS GRANTED MARCH 19, 1997.

DO NOT WRITE BELOW THIS LINE!

TO BE FILLED OUT BY COUNTY

COMMITTEE ACTION:

DRC #: _____

() Denied

() Limited Exemption under Section 26-171 () ()

() Material Amendment to the plan (new CRG or HOH must be scheduled)

() Plan Refinement (submit enough plans for the agencies checked off below)

() Waiver recommendation forwarded to Planning Board for determination

() Waiver of Standards referred to _____

(Department)

() Requires a zoning () Special Hearing; () Special Exception; () Variance

() Other _____

B-6
Dev Refit

COMMITTEE COMMENTS:

Agencies to Review and Return Comments to Committee:

() DPR () PO () Zoning () DEPRM () EIR () SWM () Rec & Parks () Fire () SHA

Signature of Coordinator _____

Meeting Date: _____

PDM TRANSMITTAL

(fka ZADM)

DATE: 7/30/01

887-3335

TO: / / DPR

✓ PDM

/ / SCD

/ / PO

/ / DEPRM

FR:

Re:

Project Name:

Project Manager:

Type of Plan:

Team Leader:

Engineer:

/ / Project **Not** Managed

PDM No.

/ / Preliminary / / Final ✓ Signature

Phone #

PHASE II ROUTING SLIP: (Manager required)

Scheduled submission date: (see Project Chart) _____

Scheduled completion date: (see Project Chart) _____

/ / Approved

/ / Approved with comments

/ / Returned for revision

/ / Disapproved

ACTION TAKEN

BY REVIEWER

Agency

Reviewer's Name

Date

RETURN TO: PDM - Room 123 COUNTY OFFICE BUILDING

PDMTRANS.DOC/JNW Rev. 04/21/98

LITTLE & ASSOCIATES, INC.

1045 Taylor Avenue, Suite 101, Towson, Maryland 21286
Phone (410) 296-1636 Fax (410) 296-1639

Engineers ~~~ Land Planners

TRANSMITTAL FORM

TO: PDM

DATE:

7/6/01

PROJECT NAME:

WILGETT

OUR PROJECT NO.:

01521A

ATTN: JOE CHMURA

We are herewith submitting the following:

For approval X

For your use/file

For review

Please contact our office

JUL - 6 2001

As requested

Urgent

Quantity

Description

1	ORIGINAL MINOR SUB PLAN
3 PRINTS	MINOR SUB PLAN

Comments: FOR SIGNATURES

Sincerely,
LITTLE & ASSOCIATES, INC.

Chuck

By: Charles E. Merritt
Project Manager

cc(s):
enclosure(s)

LITTLE & ASSOCIATES, INC.

1045 Taylor Avenue, Suite 101, Towson, Maryland 21286
Phone (410) 296-1636 Fax (410) 296-1639

Engineers and Land Planners

TRANSMITTAL FORM

TO: BALTIMORE CO. MD

DATE:

5/2/01

PROJECT NAME:

WILGETT PROPERTY

OUR PROJECT NO.:

ATTN: DARLENE

We are herewith submitting the following:

For approval

For your use/file

For review X

Please contact our office

As requested

Urgent

MAY 12 2001

Quantity

Description

1	DRC PACKAGE
	• 3 EXHIBITS
	• 1 DRC REQUEST FORM
	• \$40.00 CHECK

Comments:

Sincerely,
LITTLE & ASSOCIATES, INC.

Charles Merritt

By: Charles E. Merritt
Project Manager

cc(s):
enclosure(s)

CITIZEN SIGN-IN SHEET

2. pp

7820 WESTMORELAND (34)

7901 WEST MORELAND AVE (34)

7910 WESTMORELAND AVE (34)

7808 WEST MACARTHUR BLVD ³⁴⁴

JAMES R. SHOCKER 7912 VICTORIAN LANE 410634

MICROFILMED

152

下

5/16

~~TAYLOR~~

MICROFILMED

١٥٨

N 565,000

N31,000

HIGHPOINT RD.

PARKVILLE

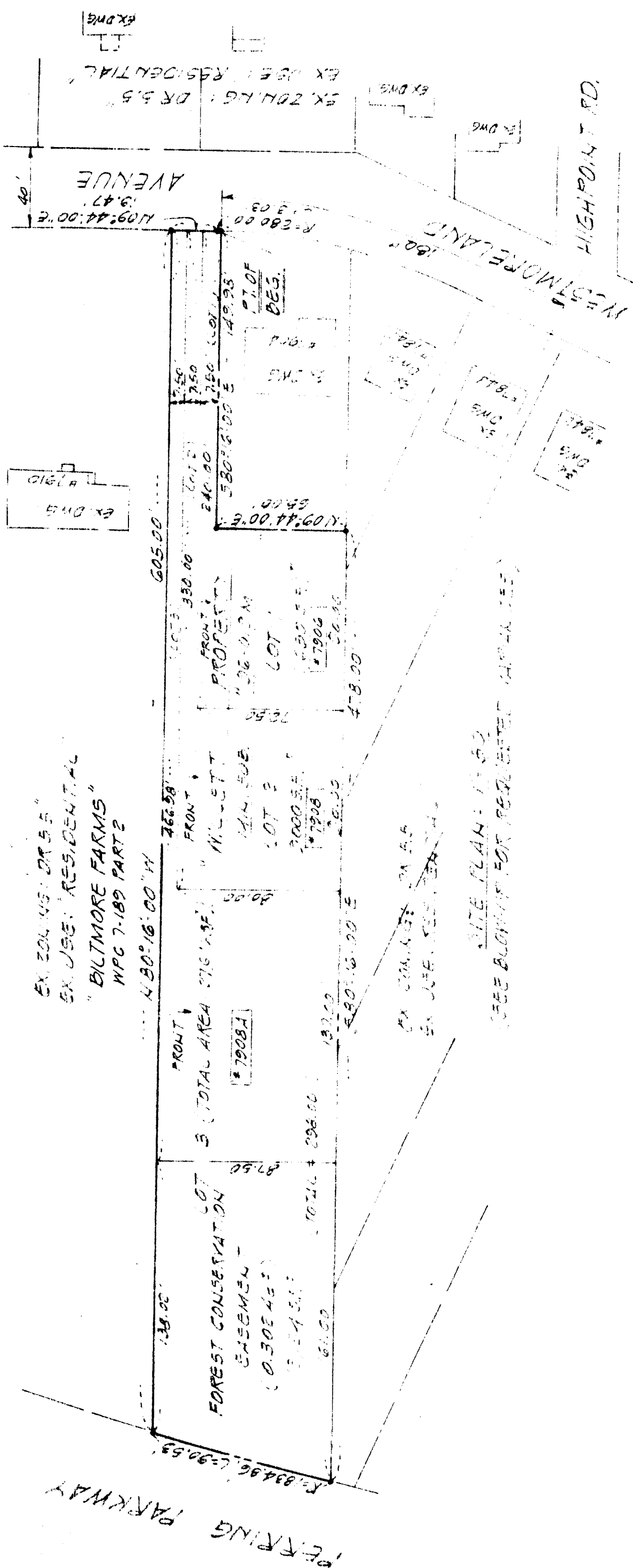
HEIGHTS

WESTMORELAND

SHEPHERD

RUN

N 30,000



1. AREA OF PROPERTY = 100 AC. (57,000 sq. ft.)
2. EXISTING USE OF PROPERTY = "A-1.5"
3. EXIST. USE OF PROPERTY = "VACANT"

3. EXIST USE OF PROPERTY = VACANT
4. PROPOSED USE OF PROPERTY = DR 5.5'
5. APPROVED USE OF PROPERTY = RESIDENTIAL
6. NUMBER OF LOTS PLANNED = 55 (104) = 51
7. NUMBER OF LOTS SHOWN = 30 OF 5

[illegible][illegible]

OF \$0' CA VARIANCE OF B 47 E 1'.
OPERATION OF PUMP, OF EXPOSED HOUSES ON
LOT 182. HAVE TO TAKE UP THE PUMP.
TO GET THE PUMP TO WORK AGAIN.
TAKEN HAS BEEN TAKEN FROM FOR APPROVAL BASED
ON THE PLAN AND THE DRAWING SUBMITTED TO

2. MINOR SUBORDINATE PLAN #36. 2.2M APPROVAL SUBJECT TO 30 DAYS HEARING RESULTS

247 TO ACCOMPANY PETITION

20R

THE UNIVERSITY OF CHICAGO

(WILFRED STREET - WESTMORELAND AVE.)

ELECT. DIST. 926

56412 AS 5401/14 AUG 2, 1976

MICROFILMED

#152

1/2/21

155

PAUL LEE SAGLEER, JR.
304 N. FELLE - 441 - 4141
TOMCOH, MAR - 440 - 5604
(TEL 410) - 831-5741

2000

BOOTH PROPERTIES
CLIMAX & BOOTH
555 E EDMONDSON AVE
BARTONVILLE, MO 64828
TEL. (417) 788-5500

BLON-UP 2244

APPROVED BY VICE PRESIDENT CORP.

72A-1030

250 WIDE PAN HANDLE = REP 250
WIDE PAN HANDLE = REP 250
WIDE = 407.9

REVISED

4,000,000

4,000,000

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
W/S Westmoreland Ave., 180 ft. N *
of c/1 Highpoint Road * OF BALTIMORE COUNTY
7906 & 7908 Westmoreland Avenue *
9th Election District * Case No. 97-150-SPHA
6th Councilmanic District *
Booth Properties, Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and a Petition for Variance for the properties known as the Booth Properties located in the Parkville community of Baltimore County. The Petitions are filed by Thomas E. Booth, property owner. Special Hearing relief is requested to approve three panhandle driveways, 7-1/2 ft. wide each, in lieu of the required 12 ft. each. The three panhandle driveways will serve those lots known as 7906, 7908 and 7908A Westmoreland Avenue. Variance relief is requested for two of the aforementioned lots. Specifically, a variance is requested from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a front yard setback of 17 ft. in lieu of the required 25 ft. and a rear yard setback of 22-1/2 ft. in lieu of the required 30 ft., for 7906 Westmoreland Avenue. Variance relief is also requested for the property known as 7908 Westmoreland Avenue, to permit a rear yard setback of 22-1/2 ft. in lieu of the required 30 ft. All of the requested relief and subject property are more particularly shown on the site plan, received into evidence as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this was was Thomas E. Booth, property owner. Also present was Paul Lee, the professional engineer who prepared the site plan. Interested neighbors who appeared at the hearing included Henry Rohmner, Richard C. Sobus, Milton Jaroszewski, Victor Panicho and James D. Shock, Jr.

Testimony and evidence presented was that the property is a long, yet narrow, lot approximately 1.04 acres in area, zoned D.R.5.5. The property is approximately 87 ft. in width and ranges to a depth of 478 to 605 ft. The rear of the property abuts the right of way for Perring Parkway. Vehicular access is by way of Westmoreland Avenue.

Special Hearing relief is requested to approve the proposed means of vehicular access. The front portion of the property is wide enough only to accommodate a 22-1/2 ft. panhandle driveway. That driveway is located between two parcels, one owned by Milton Jaroszewski and the other owned by John Willett. The property opens up in width beyond Mr. Willett's rear property line and the Petitioner proposes subdividing that rear section so as to create three single family lots. As viewed from Westmoreland Avenue, the three single family lots will be located behind Mr. Willett's property, and vehicular access to each lot will be by way of the panhandle drive.

Special hearing relief is requested to approve a 7-1/2 ft. wide driveway for each panhandle lot. Cumulatively, the driveway will be 22-1/2 ft. wide. As noted above, it will serve the potential residents of the three single family lots.

Testimony and evidence offered by the Petitioner was that the proposed panhandle driveway width is sufficient to serve these lots and appropriate for this neighborhood. A Zoning Plans Advisory Committee comment was offered on this matter from Robert W. Bowling, Chief, Development Plans Review Division, representing the Department of Public Works. Within his comment, Mr. Bowling noted that the Department of Public Works normally requires a panhandle width of 12 ft. for each lot. Thus, the requirement in this case would be for a 36 ft. width total. Mr. Bowling also indicates in his note that the 12 ft. standard comes from the

required spacing of sewer and water connections. However, as he observed, in this case, the extension of the public sewer will be through the lots themselves. Mr. Bowling concludes that "Since the sewer connections will not be placed on the panhandle strips, there is no need for the 12 ft. strip." He further notes that DPW, therefore, recommends approval of the waiver to reduce the widths for each panhandle strip to 7-1/2 ft. for a total of 22-1/2 ft. in lieu of the required 36 ft.

In view of Mr. Bowling's uncontradicted report, special hearing relief will be granted. In my judgment, the 22-1/2 ft. cumulative width is more than sufficient to accommodate vehicular access to the three lots. Since the required width is also not necessary for public utilities, per Mr. Bowling's comment, I am satisfied that relief should be granted.

The Petition for Variance relates to two of the proposed three lots; namely, 7906 Westmoreland Avenue (lot No. 1) and 7908 (lot No. 2). As the lot numbers suggest, these are the first and second lots one comes to while traveling towards the interior of the property along the panhandle drive. In support of the request, Mr. Lee testified that the variances were necessitated due to existing site conditions. Specifically, he opined that the property carried with it a unique characteristic, namely, its significant depth and narrow width. He noted that the variances were necessary so that the houses could be oriented in a manner acceptable to the Office of Planning. Mr. Lee also noted that the development of the site was under density. Specifically, the zoning of the property (D.R.5.5) would permit 5.7 lots, however, only three were proposed. Mr. Lee also opined that a denial of the variance request would cause practical difficulty upon the Petitioner, in that the site could not be developed if strict adherence to the setback regulations were required. Mr.

Lee also offered testimony regarding the proposed Forest Conservation Easement Area to the rear, which contains approximately .302 acres. In this regard, a copy of a letter from George D. Perdakis, Director, of the Department of Environmental Protection and Resource Management (DEPRM) proposed certain restrictions and limitations to any development based upon the environmental constraints upon the property. A copy of the letter, countersigned by Mr. Booth as agreeing to these restrictions, was submitted into evidence.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. In my judgment the Petitioner has satisfied the requirements of Section 307 of the BCZR; thus, the relief requested shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of March 1997 that, pursuant to the Petition for Special Hearing, approval for three panhandle driveways 7-1/2 ft. wide each, in lieu of the required 12 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1802.3.C.1 of the BCZR to permit a front yard setback of 17 ft. in lieu of the required 25 ft. and a rear yard setback of 22-1/2 ft. in lieu of the required 30 ft., for 7906 Westmoreland Avenue, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for the property known as 7908 Westmoreland Avenue to permit a rear yard setback of 22-1/2 ft. in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at his own

risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall comply with the planning comment from Ervin McDaniel of the Department of Planning, dated March 5, 1996.

3. The Petitioner shall comply with the contents of the letter from George G. Perdakis, Director of DEPRM, dated August 28, 1996.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

March 18, 1997

Mr. Paul Lee
Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

Mr. Thomas E. Booth
623 Edmondson Avenue
Catonsville, Maryland 21228

RE: Petitions for Special Hearing and Variance
Property: 7906, 7908 and 7908A Westmoreland Avenue
Case No. 97-150-SPHA
Thomas E. Booth, Petitioner

Dear Messrs Lee and Booth:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
att.

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve 3 panhandle lots 7.5' wide in lieu of the required 12' width for #7906, 7908 & 7908A Westmoreland Avenue. Minor subdivision plan #96-019M has been approved with 7.5' panhandles approved by Development Management on 5/3/96.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Architect/Engineer:

Paul Lee Engineering, Inc.

(Type or Print Name)

Signature

304 W. Pennsylvania Avenue

Address

Towson, Maryland 21204

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Name

Address

City and State

Attorney's Telephone No.:

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Legal Owner(s): Booth Properties

Thomas E. Booth

(Type or Print Name)

Signature

Thomas E. Booth

(Type or Print Name)

Signature

623 Edmondson Avenue

Address

Catonsville, Maryland 21228

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Paul Lee Engineering, Inc.

Name

304 W. Pennsylvania Ave., 21204 - 821-5941

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: *mm* DATE: 10/1/96



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #7906 & 7908 Westmoreland Avenue
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 of the BCZR to permit a front yard setback of 17' for #7906 (lot 1) in lieu of the required 25' and a rear yard setback of 22-1/2' for #7906 (lot 1) and #7908 (lot 2) in lieu of the required 30'. (A variance of 8' and 7.5')

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Orientation of fronts of proposed houses on Lots 1, 2 & 3 has been turned 90° so that the proposed houses do not face Westmoreland Avenue. Since the proposed houses fronts are now located in the side yard this has created the need for the front & rear yard variances. Orientation was recommended by Planning Department prior to their approval of the plan.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Architect/Engineer:

Paul Lee Engineering, Inc.

(Type or Print Name)

Signature

304 W. Pennsylvania Avenue

Address

Towson, Maryland 21204

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Name

Address

City and State

Address

City and State

Address

City and State

Address

City and State

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City and State

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1hr.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: *mm* DATE: 10/1/96

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: October 25, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for October 21, 1996
Item No. 152

The Development Plans Review Division has reviewed the subject zoning item. See attached waiver letter from Department of Public Works supporting the reduction in width of each panhandle strip to 7.5 feet for a total of 22.5 feet for three lots.

RWB:HJO:jrb
cc: File

ZONE33C

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 10/10/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 10, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

G. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 149, 150, 151, 152, 153, 154, 155, 156, 158, 159 and 160.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
DATE: 10/11/96

SUBJECT: Zoning Advisory Committee
Meeting Date: OCT 13

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:
150
151
152
156
158
160

RBS:sp
BRUCE2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 152 (M.J.K.)
10-24-96

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

R. J. Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Darryl D. Putty
Department of Permits & Management
DATE: March 6, 1996

FROM: Ervin McDaniel, Chief
Development Review Section
Strategic Planning Division, OP

SUBJECT: John Willett Property (96019) AMENDED

The Office of Planning and Zoning has reviewed the above referenced project and offers the following comment(s):

- After additional review by the staff of the Office of Planning it is recommended that three lots could be approved, however, certain design modifications need to be incorporated into the subdivision. The three lots that are proposed are smaller in size compared to the surrounding properties, therefore, the property lines should be adjusted to equalize the size of each of the lots.
- The three lot proposal includes a front to rear building orientation which conflicts with county policy as stated in the CHDP. Although from a zoning standpoint the front to rear orientation is being provided in order to meet building setbacks, from a design perspective this arrangement is clearly undesirable. Although the building fronts must technically remain in their designated locations, building elevations should be provided which show front facades along the panhandle drives.
- Screening must be provided on the developers property which would buffer the homes within the development.

Ervin McDaniel
Ervin McDaniel

PK/FJM:rdn

MS96019.AMD/PZZNE/MDNR

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Darryl D. Putty
Department of Permits & Management
DATE: March 6, 1996

FROM: Ervin McDaniel, Chief
Development Review Section
Strategic Planning Division, OP

SUBJECT: John Willett Property (96019) AMENDED

The Office of Planning and Zoning has reviewed the above referenced project and offers the following comment(s):

- After additional review by the staff of the Office of Planning it is recommended that three lots could be approved, however, certain design modifications need to be incorporated into the subdivision. The three lots that are proposed are smaller in size compared to the surrounding properties, therefore, the property lines should be adjusted to equalize the size of each of the lots. LOT 1 9,400 SF (MIN 6600 SF), LOT 2 22,616 SF (MIN 22,616 SF), LOT 3 22,616 SF (MIN 22,616 SF).
- The three lot proposal includes a front to rear building orientation which conflicts with county policy as stated in the CHDP. Although from a zoning standpoint the front to rear orientation is being provided in order to meet building setbacks, from a design perspective this arrangement is clearly undesirable. Although the building fronts must technically remain in their designated locations, building elevations should be provided which show front facades along the panhandle drives. ROAD AND SIDE DRIVE MUST BE ADDED TO MAIN FACING WEST MIDDLELAND AVE PER MD. PUBLIC USE.
- Screening must be provided on the developers property which would buffer the homes within the development. NOTE 46

Ervin McDaniel
Ervin McDaniel

PK/FJM:rdn

MS96019.AMD/PZZNE/MDNR

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Donald Rascoe, Chief
Bureau of Development Management
DATE: May 3, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: John W. Willett Property (Waiver)
DRC #04296D

Thomas Hamer, Deputy Director of Public Works, and I have reviewed the waiver request for reduction of panhandle width from 12 feet per strip to 7.5 feet per strip. The 12 foot requirement comes from the spacing of the sewer and water connections. The engineer has shown an extension of the public sewer through the property to serve the three new lots. Since the sewer connections will not be placed on the panhandle strips, there is no need for a 12-foot strip.

The Department of Public Works recommends approval of the waiver to reduce the width of each panhandle strip to 7.5 feet for a total of 22.5 feet for three lots. The rest of the panhandle requirements must be met.

If there are any questions, please call me.

RWB:jrb

cc: File

RWB98

*Harley
for Fitch
200-1-1000
Sed*



Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
(410) 887-3735
Fax: (410) 887-4804

August 28, 1996

Mr. John Rohde
Human and Rohde, Inc.
110 E. Pennsylvania Avenue
Towson, MD 21286

Re: Willett Property
Forest Buffer Variance Request

Dear Mr. Rohde:

A request for a variance to the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains for the above-referenced minor subdivision was received and reviewed by this Department. This request proposes to fill approximately 750 square feet of existing non-tidal wetlands for the purposes of creating a building lot.

We have reviewed your request, and acknowledge that a practical difficulty exists due to the location of the non-tidal wetlands on the property. For this reason and because impacts are to a low quality, man-made non-tidal wetland which only function is to convey overland runoff, we will grant the requested variance under Section 14-334 (a) (1) of the Regulations with the following condition:

Relocate the swale so as not to cause any adverse effect to any adjacent property owner.

A note stating that the Department of Environmental Protection and Resource Management has granted a Forest Buffer Variance should appear on all future plans submitted to this office for this project.

It is the intent of this Department to approve this variance subject to the conditions above. Any changes in site layout may require submittal of revised plans and an amended variance request.

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on Recycled Paper

